UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,284	10/16/2001	Lisa Desjardins	52493.000062	2061

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EXAMINER
LOFTIS, JOHNNA RONEE

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 March 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-12,14-20 and 22-25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-12, 14-20, 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a first office action upon examination of application number. Claims 5,

13 and 21 have been cancelled. Claims 1-4, 6-12, 14-20 and 22-25 are pending and have been

examined on the merits discussed below.

2.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 6, 14 and 24 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Commonwealth of Virginia Information Technology Resource Management Guideline,

hereinafter ITRM, in view of Jannette et al, US 6,036,345.

As per claim 1, ITRM teaches assessing the feasibility of the project in a first principal

step to determine whether to proceed with the project, and generating a first set of deliverables

(page 2-3, phase 1 – covers feasibility studies including mandatory and optional deliverables);

submitting the first deliverables to one or more authorizing agents in a first approval step to

determine the viability of the project after the first principal step (page 2-5 – written approvals

are submitted to determine if the project should proceed); performing initial project analysis in a

second principal step to determine the project's functional requirements, and generating a second

set of deliverables (page 2-6, phase 2 – covers the tasks, activities, and deliverables necessary to

define, finalize and document the function and informational requirements for the project);

submitting the second set of deliverables to one or more authorizing agents in a second approval

step to determine the viability of the project after the second principal step (page 2-9 – approval

of the deliverables is obtained); designing the IT product in a third principal step, and generating

a third set of deliverables (pages 2-16 – 2-25 – the development of the file structures, interfaces,

application programs, etc, are included in phase 4 along with required and optional deliverables);

submitting the third set of deliverables to one or more authorizing agents in a third approval step

to determine the viability of the project after the third principal step (page 2-24 – step of

approving deliverables takes place); building the IT product in a fourth principal step, and

generating a fourth set of deliverables (page 2-26 – 2-35, phase 5 – physical development of the

system takes place and mandatory and optional deliverables are submitted) ; submitting the

fourth set of deliverables to one or more authorizing agents in a fourth approval step to determine

the viability of the project after the fourth principal step (page 2-26 – 2-35, phase 5 – physical

development of the system takes place and mandatory and optional deliverables are submitted

for approval, page 2-34); testing the IT product in a fifth principal step to determine the viability

of the project, and generating a fifth set of deliverables (pages 2-29 – 2-32, phase 5 – system

tests take place); submitting the fifth set of deliverables to one or more authorizing agents in a

fifth approval step to determine the viability of the project after the fifth principal step (pages 2-

29 – 2-32, phase 5, deliverables are submitted for approval); implementing the IT product in a

sixth principal step, and generating a sixth set of deliverables (pages 2-37 – 2-41, phase 6 –

accepted deliverables from previous phases are implemented); submitting the sixth set of

deliverables to one or more authorizing agents in a sixth principal step to determine the viability

of the project after the sixth principal step (pages 2-37 – 2-41, phase 6 – deliverables are

submitted for approval); and terminating the IT project in a seventh principal step, including

evaluating the project, and generating a seventh set of deliverables (pages 2-42 – 2-45 – phase 7,

benefits of the accepted information system are evaluated). ITRM, however, does not explicitly

teach presenting the status of the project including vertical and horizontal graphics indicating

levels of completion along with tollgate graphics representing principal steps that require

approval. Jannette et al, by applicant's own admission on page 2 of the specification, teaches

identifying overall product objectives and group objectives relating to subsystems or components

of an overall product. Further, Jannette et al includes logic for displaying the overall objective

and group objectives in a plurality of graphic windows and logic for measuring progress toward

each group's and the entire project's stated objectives. It would have been obvious to

incorporate Jannette et al's display formatting into ITRM's project model as a way to

conveniently and efficiently display progress toward project objectives.

As per claim 2, ITRM teaches the first set of deliverables includes one or more of the

following deliverables: (a) a feasibility analysis; (b) a high level cost-benefit analysis; (c) a risk

analysis and (d) a cost and schedule estimate for the second principal step (page 2-3 – feasibility

studies are part of phase 1; 2-4 – phase 1 – time and cost estimates are prepared), wherein the

second set of deliverables includes one or more of the following deliverables: (a) the charter

document; (b) a detailed cost-benefit analysis; (c) a project schedule; (d) a risk analysis matrix;

(e) project controls documentation; (f) budget-related documentation; (g) system acceptance

criteria; and (h) detailed requirements documentation (page 2-7 – deliverable: functional and

informational requirements are defined), wherein the third set of deliverables includes one or

more of the following deliverables: (a) business and technical requirements; (b) system user and

interface standards; (c) data model; (d) logical data model; (e) technical specification; (f) test

strategy plan and scripts; (g) conversion plan; (h) retirement plan; (i) detailed training plan; (j)

system transition plan; (k) updated cost benefit analysis and project schedule; and (l) IT product

prototype (pages 2-16 – 2-25 – phase 4 deliverables include: logical file structures/database

design, conversion plan, cost-benefit analysis), wherein the fourth set of deliverables includes

one or more of the following deliverables: (a) the IT product; (b) monitoring procedures; (c)

code package; (d) test results; (e) configuration management (f) installation/back-out

documentation and procedures; (g) training material; (h) systems manuals; (i) disaster recovery

plan; (j) deployment documentation; (k) rollout and implementation plans; and (l) test scripts

(pages 2-26 – 2-36 – phase 5 deliverables include: test results, instructions documentation,

training plan, recovery capabilities), wherein the fifth set of deliverables includes one or more of

the following deliverables: (a) test results; (b) disaster recovery procedures; (c) support scripts

and manuals; (d) warranty; (e) on-call procedures; (f) maintenance manuals; (g) help desk

scripts; and (h) disaster recovery procedures (pages 2-31 – 2-35 – phase 5 deliverables include

test results, recovery capabilities, instruction documentation), wherein the sixth set of

deliverables includes one or more of the following: (a) escalation procedures pertaining to a

hierarchical sequence of steps that may be used by the "recipients" of the IT product to demand

that changes be made to the IT product; (b) on-call procedures; (c) solution metrics; (d) project

evaluation documentation; and (e) a support defects log (pages 2-37 – 2-41 – phase 6

deliverables include: evaluation documentation, point of contact information, etc); and wherein

the seventh set of deliverables includes one or more of the following deliverables; (a)

explanation/documentation of variation of planned product to actual realized product; (b) best

practices sharing; (c) process improvement opportunities; (d) relevant project documentation;

and (e) a benefits monitoring plan (pages 2-42 – 2-45 – phase 7 deliverables include identifying

enhancements or recommendations for correcting deficiencies, cost/benefit analysis, etc.).

As per claim 3, ITRM teaches at least one of the principal steps includes plural substeps

(each phase contains several tasks, i.e., page 2-16 – 2-25, phase 4, Design, includes subtasks 4.10

thru 4.210)

As per claim 4, ITRM teaches the step of accessing and utilizing at least one tool to

provide assistance in performing the project (page 2-4 – part of phase 1 is to identify system

development tools that will be used on the project).

As per claim 6, ITRM teaches providing information regarding structural process for

developing the IT product, the information including: (i) first data regarding principal steps of

the structured process (the structured model standard includes 7 phases); (ii) second data

regarding substeps included in each principal step, wherein each principal step includes at least

one substep (each phase includes a plurality of tasks); and (iii) third data regarding approval

procedures performed during the process for validating the viability of the project (each phase

has an approval step); accessing the information; and performing the principal steps, substeps,

and approval procedures specified in the accessed information (the guidelines set forth each

phase and tasks to be performed as well as the approval procedures for each phase). ITRM, however, does not explicitly teach presenting the status of the project including vertical and horizontal graphics indicating levels of completion along with tollgate graphics representing principal steps that require approval. Jannette et al, by applicant's own admission on page 2 of the specification, teaches identifying overall product objectives and group objectives relating to subsystems or components of an overall product. Further, Jannette et al includes logic for displaying the overall objective and group objectives in a plurality of graphic windows and logic for measuring progress toward each group's and the entire project's stated objectives. It would have been obvious to incorporate Jannette et al's display formatting into ITRM's project model as a way to conveniently and efficiently display progress toward project objectives.

As per claim 7, ITRM teaches assessing the feasibility of the project in a first principal step to determine whether to proceed with the project, and generating a first set of deliverables (page 2-3, phase 1 – covers feasibility studies including mandatory and optional deliverables); submitting the first deliverables to one or more authorizing agents in a first approval step to determine the viability of the project after the first principal step (page 2-5 – written approvals are submitted to determine if the project should proceed); performing initial project analysis in a second principal step to determine the project's functional requirements, and generating a second set of deliverables (page 2-6, phase 2 – covers the tasks, activities, and deliverables necessary to define, finalize and document the function and informational requirements for the project); submitting the second set of deliverables to one or more authorizing agents in a second approval step to determine the viability of the project after the second principal step (page 2-9 – approval of the deliverables is obtained); designing the IT product in a third principal step, and generating

a third set of deliverables (pages 2-16 – 2-25 – the development of the file structures, interfaces, application programs, etc, are included in phase 4 along with required and optional deliverables); submitting the third set of deliverables to one or more authorizing agents in a third approval step to determine the viability of the project after the third principal step (page 2-24 – step of approving deliverables takes place); building the IT product in a fourth principal step, and generating a fourth set of deliverables (page 2-26 – 2-35, phase 5 – physical development of the system takes place and mandatory and optional deliverables are submitted) ; submitting the fourth set of deliverables to one or more authorizing agents in a fourth approval step to determine the viability of the project after the fourth principal step (page 2-26 – 2-35, phase 5 – physical development of the system takes place and mandatory and optional deliverables are submitted for approval, page 2-34); testing the IT product in a fifth principal step to determine the viability of the project, and generating a fifth set of deliverables (pages 2-29 – 2-32, phase 5 – system tests take place); submitting the fifth set of deliverables to one or more authorizing agents in a fifth approval step to determine the viability of the project after the fifth principal step (pages 2-29 – 2-32, phase 5, deliverables are submitted for approval); implementing the IT product in a sixth principal step, and generating a sixth set of deliverables (pages 2-37 – 2-41, phase 6 – accepted deliverables from previous phases are implemented); submitting the sixth set of deliverables to one or more authorizing agents in a sixth principal step to determine the viability of the project after the sixth principal step (pages 2-37 – 2-41, phase 6 – deliverables are submitted for approval); and terminating the IT project in a seventh principal step, including evaluating the project, and generating a seventh set of deliverables (pages 2-42 – 2-45 – phase 7, benefits of the accepted information system are evaluated).

As per claim 8, ITRM teaches the information provided regarding the structured process additionally includes fourth data regarding output deliverables produced by the structured process flow and the timing at which the output deliverables should be generated (each phase has mandatory and optional deliverables that are submitted after each task is completed, i.e., in phase 1, entitled project definition, after task 1.10 is completed and the project team is briefed, a deliverable is submitted documenting the project team meeting).

As per claim 9, ITRM teaches the information provided regarding the structured process additionally includes fifth data regarding at least one tool that can be utilized to provide assistance in performing the project (page 2-4 – part of phase 1 is to identify system development tools that will be used on the project).

As per claim 10, ITRM teaches at least one tool includes at least one worksheet for use in performing at least one step in the structured process (page 2-4 – development tools are identified, including preparing a list of project tasks, activities and deliverables, which inherently could be printed on a worksheet).

6.   Claims 11, 12, 14-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Commonwealth of Virginia Information Technology Resource Management Guideline, hereinafter ITRM.

As per claims 11, 12, 14-20 and 22-24, they are all directed to the system with databases containing data to be retrieved so the user can interact with the information to perform the principal steps of the IT project managing process taught in claims 1-10 and 13. While it would

have been obvious to one of ordinary skill in the art at the time of the invention to automate the

steps of the ITRM guidelines, it was known at the time of the invention that merely providing an

automatic means to replace a manual activity which accomplishes the same result is not

sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194

(CCPA 1958).

As per claim 25, ITRM teaches the step of presenting information regarding status of the

structured process to a user, including an indication of the level of completion of each of the

principal steps (each phase has a Manage Project step wherein progress is monitored against the

plan and progress reports are prepared), but does not include a thermometer type display for each

principal step. However, it is old and well known in the art of progress management to indicate

partial achievement of goals on a display such as a thermometer as a way to visualize the

progress toward reaching the goal. By displaying progress on a thermometer type display the

team members or other members of the organization can "see" the status of the project.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

User's Guide for Microsoft Project for Windows 95 and Windows 3.1

Freeman et al, US 7,031,930 – project management for complex construction projects by

monitoring subcontractors in real time

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The

examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL
6/21/06

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